

February 4, 2011

Dave and Gary you may consider the following be included in the action plan. In no way do I mean to discount your great wealth of expertise, experience or knowledge. I know that both of you are currently climbing the learning curve associated with the FFO; therefore, a few suggestions. May save you some time or may not. Use how you see fit.

Proposed Action Plan elements, February 4, 2011:

- **Moratorium on all Final Abandonment Notice approvals until review of 2007, 2008, 2009, and 2010 FAN approvals are analyzed. Rules of Abandonment should be followed, applied and the operator should be held accountable for their actions. The nemesis should be placed on the operators to perform the work required, when required, and notify the BLM per the rule, not vice versa.**
 - The BLM is currently working on a backlog of FANS either submitted or *requested (it appears the majority are requested by the BLM)* in an effort to close out the FAN legacy issue. Approving the FANS without proper prior documentation and records only rewards the operator for their poor performance or lack of performance. Periodic Inspection reports should be demanded and analyzed before approving any FAN and recontouring should be completed. Not following the guidelines only adds to the legacy of poor reclamation in the area.
 - Recent field audit results, illustrate the lack of procedural control and ad hoc practices currently being employed by the BLM. Recontouring of the location is not being completed, trash is left on location, proper vegetation is not established, and years are consumed as the BLM awaits the FAN to be sent from the operator or the operator to perform its duties. The BLM is requesting that the operator send the FAN and not vice versa on a majority of the locations, only excusing the operator from their responsibility. FANS are being approved in order to hastily eliminate the backlog.
 - Please audit the following locations to see current results.
 - McClannahan 5Y 300452134800S1
 - Omler 007 300450714900S2

- Omler 001 300450700500S1
 - Feuille Federal 002
 - The BLM's own records in conjunction with the field audit highlights these deficiencies.
 - The BLM should require the operators to produce records illustrating the locations that have been P&A but not Abandoned i.e., what is the true backlog? Have the operators submit a schedule showing milestones and deliverable dates and share the schedule. Hold the operator to their schedules and quit **requesting** the FANS be sent. Demand that the operators track the percentage complete of their proposed schedules and share the correspondence.
 - Audit the process to ensure compliance and apply the BMPs.
- **CREATE AN APPROVAL PROCESS FOR INTERIM RECLAMATION ON ALL LOCATIONS.**
 - Required the operators to produce current periodic inspection records for all wells and list the status of the interim reclamation (this is required by the "Gold Book" and is currently not being done).
 - Require the operators produce a schedule that addresses all deficiencies and corrective actions that will be taken to address their interim reclamation issues and share this information. This information should contain signed reports, photos, dates, times, and signatures of inspectors and **qualification** of inspectors.
 - Ensure that the operator's **inspectors are qualified**.
 - Audit the process on a periodic basis to ensure its compliance and apply the BMPs.
 - **ELIMINATE ALL UNPERMITTED LAND FARMS.**
 - Require all operators to compile a list of Land Farms on Location, share this list.
 - Require the operator to produce a schedule addressing actions that will be taken to remove all unpermitted land farms from the field. This schedule should list milestones, dates, times, etc.... Share this information. Demand that the operator track their schedules for percent completion and openly communicate this to all.

- **REQUIRE THE OPERATOR TO FOLLOW THE BLM 9113 ROAD STANDARDS:**
 - Hundreds of culverts have been placed by the operators in the area in the past three years. Many of these culverts have been placed at the direction of the BLM. The BLM 9113 Road Standard requires the operator to perform run off calculations (Hydrologic or Hydraulic Calcs) before placing the culvert in order to understand and determine the flow rate through the pipe, this is not currently being done. Non determination of the flow rate leads to plugged culverts and severe erosion immediately. This is illustrated on the Zachary 17M where the drainage culvert is plugged and heavy erosion is taking place. **CONTROL THE WATER, ZEEDYK PRINCIPLE!!**
 - **Hydrologic and Hydraulic design is required per the BLM 9113 Road Manual, the Gold Book, etc....**
 - Require the operators to produce the run off (hydrologic and hydraulic) calculations for all culverts placed in the last three years. Require the operator to produce a list showing which culverts need to be addressed and share this list.
 - Allow the operator to make a schedule illustrating when the deficiencies will be corrected.
 - Immediately discontinue the **approval of APDs** that do not have the complete set of road elements addressed in a formal fashion. The elements to formally consider are the following:
 - Road Width, Maximum Grade, and Crown Design
 - Locations for turnouts
 - Plans for soils, hydrology, and topography-dependent drainage, including ditches and locations and sizes of culverts and bridges.
 - Must have calc base and records.
 - On and Off site erosion control
 - Plans for revegetation of disturbed areas.]
 - Fence Cuts and Cattle Guards
 - Major Cuts and Fills
 - Source and storage for site topsoil
 - Types of surfacing materials
 - Plans for maintaining or improving existing roads.
 - Immediately discontinue the **approval of APDs** and demand that the operator provide evidence of qualification for the road designer per 9113. Currently the Dozer operator is designing the road and not a qualified person, little thought is being put into the design, thus resulting in gullies and massive erosion.

- Require a Design Narrative before constructing any additional roads in the Basin.
- Exercise the authority of the authorized officer and demand that roadways be designed and approved by registered professional engineer.
- Apply the BMPs.

Just some thoughts to help in your journey. Regards.